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EXAMINER

CHEN, TE Y

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/701,450	Applicant(s) SUZUKI ET AL.	
	Examiner Susan Y. Chen	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

This office action is in response to the amendment filed on Aug. 22, 2006.

Claims 11-20 are pending for examination, claims 1-10 have been canceled, and claims 11-20 have been newly added.

Specification

The amendment filed on Aug. 22, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

“estimating a category of the element value of the each of the elements” [e.g., page 2, lines 12-13 of instant amendment]

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11-20, are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As to claims 11-12, 15-16, 19-20, the claimed subject matters "estimating a category of the element value of the each of the elements to obtain a label corresponding to the category" are new, because the instant specification fails to show what algorithm was used to perform the claimed "estimating a category..." operation. The instant disclosure at page 13, lines 1-21, page 15, lines 23-page 16, line 11 as pointed out by applicant, merely disclosed how to retrieve/store information in a estimation knowledge data unit, there is no algorithm relates to estimate a category of the element value of the each of the claimed elements.

As to claims 13-14 and 17-18, these claims have the same defects as their base claims respectively, hence, are rejected for the same reason.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-20, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 11-12, 15-16, 19-20, applicant fails to define the metes and bounds of the claimed "a category of the element value of the each of the elements", in addition, the specification fails to disclose the links between the claimed "a category of the element value of the each of the elements" and "a label", thus, it renders the claims as indefinite.

As to claim 12, exception the indefinite limitations discussed above, it is also unclear what does the claimed "first memory", "a second memory", "a third memory" refer to? [i.e., what is the metes and bounds of the claimed first memory or second memory or third memory? And what is the purpose to store data into those plurality of memory?]

As to claim 16, exception the indefinite limitations discussed above, it is also uncertain what does the claimed "a first retrieval unit", "an extracting unit", "a second retrieval unit", "a third retrieval unit" refer to?

As to claim 20, exception the indefinite limitations discussed above, applicant also fails to define the metes and bounds of the claimed "first program instruction means", "second program instruction means", "third program instruction means"...."tenth program instruction means".

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As to claims 13-14 and 17-18, these claims have the same defects as their base claims respectively, hence, are rejected for the same reason.

Because the ambiguous nature of instant invention, claims 12-14, 16-18 and 20 will have no art rejection and the following art rejection is to the best the examiner is able to ascertain.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 13, 15, 17 and 19, are rejected under 35 U.S.C. 103(a) as being unpatentable over Lennon et al. (U.S. Patent Publication No. 2003/0018607) in view of Musgrove et al. (U.S. Patent No. 7,082,426).

As to claim 11, Lennon et al. (hereinafter referred as Lennon) discloses a data retrieval method comprising:

storing a plurality of information data items in a first memory, each of the information data items including one or more elements, each of the elements having an element name and an element value [e.g., the stored metadata collections at sections: 0008-0015];

storing a plurality of data items in a second memory, each of the data items including the element name of a respective of the elements and the label corresponding to the category of an element value of the respective element [e.g., the metadata stored in an XML repository at section 0063, wherein, each of the collection of XML documents contains an element name (tag name) and associated element value (e.g., example A)].

inputting a search request including a keyword and a label [e.g., the use of media browser (101, Fig. 1) to selects to view or play the item of stored XML description as cited in Section 0063 and Fig. 4 with associated texts];

retrieving one of the information data items which includes a first element whose element name is equal to the element name included in the one of the data items and a second element whose element value includes the keyword [e.g., Section: 0063];

outputting the element value of the first elements [e.g., the use of GUI interface to outputting the element value of the first elements as shown by the unit 400, Fig. 4 and associated texts].

Although Lennon disclosed the above limitations as claimed by applicant and cited that "Matadata which is data that describes of catalogues aspects of other data" [e.g., page 1, section: 0002], Lennon did not specifically explain the step of estimating a category of the element value of the each of the elements to obtain a label corresponding to the category.

However, Musgrove et al. (hereinafter referred as Musgrove) discloses the detail steps of estimating a category of the element value of the each of the elements to

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obtain a label corresponding to the category [e.g., Title, Abstract, the statistic analysis, clustering, tagging, weighting & ranking techniques used by the property definition tool (80) as shown in Fig(s) 8 - 9 and associated texts].

Lennon and Musgrove are both of the same endeavor to facilitate on-line XML document processing via metadata, hence, with the teachings of Leannon and Musgrove in front of him/her, an ordinary skilled person at the time the invention was made would have been motivated to apply Musgrove's technique into Leannon's system for estimating a category of the element value of the each of the elements to obtain a label corresponding to the category, because by doing so, as suggested by Musgrove the combined system will be upgraded to provide "a novel method for efficiently aggregating commerce product information from a networked computer environment and also provides a novel method for updating product information to shoppers thereby facilitate the purchase decision of the shopper" [Musgrove: col. 34, lines 46-51].

As to claim 13, the combined system of Lennon and Musgrove further discloses that the estimating step includes:

a) storing a plurality of patterns of the element value and a plurality of labels which correspond to the patterns respective and correspond to a plurality of categories respectively [e.g., the product catalog (26, Fig. 2) generated by the property definition tool as col. 16, lines 18-23, Fig(s). 8-9 and associated texts];

b) comparing the element value with the patterns to obtain the label which corresponds to one of the categories to which the element value belongs [col. 17, lines 43-45].

As to claims 15, 17, and 19, these claims recites the same limitations as claims 11 and 13, in form of data retrieval apparatus and computer program product, hence, are rejected for the same reason.

Response to Arguments

Applicant's arguments with respect to claims 11-20, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Y. Chen whose telephone number is 571-272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Susan Y Chen
Examiner
Art Unit 2161


JEFFREY GAFFIN
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November 4, 2006